

Privacy Act Newsletter

Knowledge
Management Center

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Nine Exemptions:

- ◆ Classified
- ◆ Internal personnel rules and practices
- ◆ Other statutes
- ◆ Confidential commercial information
- ◆ Inter— or intra-agency records
- ◆ Invasion of personal privacy
- ◆ Investigative records
- ◆ Financial institutions
- ◆ Wells

Freedom of Information Act (FOIA)

The Freedom of Information Act also known as FOIA is a law that gives a requestor the right to access information from the federal government. The FOIA allows citizens to know what is going on with the United States Government. Any person has a right to obtain access to federal agency records, unless the requested records, including portions of the records, are protected from public disclosure by one of the nine Exemptions under Title 5 of the *United States Code*.

The Air Force follows the Department of Defense (DoD) regulations on matters in regards to the FOIA. The DoD regulation states that the public has a right to information concerning government activities. DoD Policy is to conduct its activities in an open manner and provide the public with the maximum amount of accurate and timely information concerning its activities, consistent with the legitimate public and private interests of the American people.

The Freedom of Information Act applies only to federal agencies. Some records are released to the public under the Freedom of Information Act, and may reflect deletion of some information in accordance with the FOIA's nine exclusions. Currently the law al-

lows 20 working days to process a FOIA request upon receipt of the request in the FOIA office. The Air Force conducts its activities in an open manner consistent with the need for security and adherence to the requirements of laws and regulations. Records that aren't exempt from disclosure under the FOIA are, upon request, made readily available to the public in accordance with rules issued by appropriate authority.

Oftentimes, the Air Force may receive requests that does not refer to the FOIA. These requests are sent to a public affairs office or a specific unit. A FOIA request is entered into a system called eFOIA, where the FOIA cases are tracked and accounted for in an electronic database. There are two types of FOIA requests; simple and complex. The type of request will determine how long the process will take and if the FOIA manager needs more than the time allotted to retrieve these records. Fees may be accrued by the requester depending on the fee category provided by the FOIA Manager. When all costs are \$15.00 or less, the fees are automatically waived.

Who Can Submit a Request

Any member of the public, to include foreign citizens, military and/or civilian personnel acting as private citizens, businesses and organizations, and members of Congress may request records. Requestors affiliated with the Air

Force or any other DoD component, to include military and civilian employees, may not use government equipment, or supplies to make FOIA requests.

A record requested by a member of the public, who

follows rules established by proper authority will not be withheld in part or in whole unless the record is exempt from mandatory partial or total disclosures under the Freedom of Information Act.

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SJAFB Reading Room

Providing a reading room is one of the responsibilities of the FOIA manager. Installation commanders must comply with the FOIA electronic reading room requirements by including a FOIA site on the installation web page. The FOIA manager is the focal point for the FOIA portion of the Web site. The Seymour Johnson electronic reading room can be found at the following link:
www.seymourjohnson.af.mil/library/foia.asp

FOIA Process

According to AFI 33-332, *Air Force Privacy and Civil Liberties Program*, any eligible citizen can submit a FOIA request. Individuals may submit a request without notifying FOIA managers why they want the information. FOIA managers must acknowledge the request by sending the requester an acknowledgement letter within 10 workdays informing them when the request should be complete. A response is required to the requester within 20 workdays of receiving the request. Depending on if a FOIA request is simple or complex, a copy of the record may take more or less time. If the requested records fall under the Privacy Act or the nine FOIA exemptions, the information must be redacted and still must be sent to the requester. If the records falls under an exemption, the FOIA manager must notify the requester of the exemptions. The requested records must be reviewed by the Judge Advocate (JA) office to provide a legal opinion. The FOIA manager will then make a recommendation to the denial authority. The denial authority will send the requestor a letter with the final decision. If access is granted, a copy of the record will be released. If access is denied, the requester must be notified why as well as explaining appeal rights. If the requester is dissatisfied with the response or was denied records, a compliant can be sent to the Secretary of the Air Force. A copy of the denial letter should accompany the appeal within 60 calendar days after the date of the denial letter.



FOIA Manager Responsibilities

FOIA managers are the point of contacts for FOIA requests. They receive, handle, and process FOIA requests. The FOIA Manager has a plethora of responsibilities when it comes to the FOIA program. The FOIA manager must send an acknowledgement letter once the FOIA request has been received. Other duties of the FOIA manager include providing a reading room for inspecting and copying records, obtain recommendations from the Office of Primary Responsibility (OPR) for records, review publications for compliance with FOIA and make determinations on initial fee waiver requests and n chargeable fees.

The FOIA manager is in charge of preparing and coordinating proposed replies to the requester and

contacting the requester as necessary. The initial contact between the FOIA manager and the requester is when the FOIA manager acknowledges receipt of the request. They also ask for addition information, if needed, identify how long the process will take, inform the requester of any referral actions, advise of fees, and lastly, a final response. If the requester complies with the procedures established for obtaining records, the FOIA manager must provide a final response within 20 working days. If the complexity of the request prevent a final response within the time period, the requester should be advised of how the request will be responded to with a multi-tracking processing system.